

PTO/SB/30 (04-05)

Approved for use through 07/31/2006, OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |                        |                   |
|---|------------------------|-------------------|
| <p style="text-align: center;"><b>Request<br/>for<br/>Continued Examination (RCE)<br/>Transmittal</b></p> <p>Address to:<br/>Mail Stop RCE<br/>Commissioner for Patents<br/>P.O. Box 1450<br/>Alexandria, VA 22313-1450</p> | Application Number     | 09/845,162        |
|   | Filing Date            | May 1, 2001       |
|   | First Named Inventor   | WAHR              |
|   | Art Unit               | 3763              |
|   | Examiner Name          | MENDEZ, MANUEL A. |
|   | Attorney Docket Number | 891,144-005       |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

**Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.**

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- I.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on MAY 23 2006

II.  Other

- b  Enclosed

- I.  Amendment/Reply      III.  Information Disclosure Statement (IDS)  
II.  Affidavit(s)/Declaration(s)      IV.  other

**OFFICE OF PETITIONS**

- ## 2. Miscellaneous

**Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for**

- e.**  period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)  
**b.**  Other

**3. Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees or credit any overpayments to the RCE fee under 37 CFR 1.117(e) as required by 37 CFR 1.114 when the RCE is filed.

- a.  **Deposit Account No. 50-2862** . I have enclosed a duplicate copy of this sheet.

i.  RCE fee required under 37 CFR 1.17(e)

ii.  Extension of time fee (37 CFR 1.138 and 1.17)

iii.  Other \_\_\_\_\_

b.  Check in the amount of \$ \_\_\_\_\_ enclosed

c.  Payment by credit card (Form PTO-2038 enclosed)

*Copy*

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |               |                  |              |
|-------------------|---------------|------------------|--------------|
| Signature         | Diane K. Wong | Date             | May 23, 2006 |
| Name (Print/Type) | Diane K. Wong | Registration No. | 54,550       |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

**Signature** Cynthia B. Pacheco

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

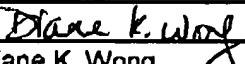
(to be used for all correspondence after initial filing)

|  |    |                        |                                   |
|--|----|------------------------|-----------------------------------|
|  |    | Application Number     | 09/845,162 <b>FAX RECEIVED</b>    |
|  |    | Filing Date            | May 1, 2001                       |
|  |    | First Named Inventor   | WAHR MAY 23 2006                  |
|  |    | Art Unit               | 3763                              |
|  |    | Examiner Name          | Manuel Mendez OFFICE OF PETITIONS |
| Total Number of Pages in This Submission | 22 | Attorney Docket Number | 891,144-005                       |

**ENCLOSURES (Check all that apply)**

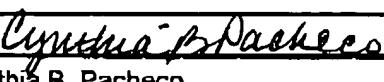
|  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input checked="" type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Other Enclosure(s) (please identify below):                    |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | <input type="checkbox"/> With Exhibits A and B  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> Landscape Table on CD  |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |
| Remarks  |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |   |          |        |
|--------------|---|----------|--------|
| Firm Name    | O'MELVENY & MYERS LLP   |          |        |
| Signature    |  |          |        |
| Printed name | Diane K. Wong   |          |        |
| Date         | May 23, 2006  | Reg. No. | 54,550 |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |   |      |              |
|-----------------------|---|------|--------------|
| Signature             |  |      |              |
| Typed or printed name | Cynthia B. Pacheco  | Date | May 23, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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